**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**FIRST APPEAL No. 1336 of 1987**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE KS JHAVERI**

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**RAMABHAI SHIVABHAI PATEL - Appellant(s)**
**Versus**
**GURUBACHANSINH KARATCHAND JAT & 1 - Defendant(s)**

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**Appearance :**
MR HB SHAH for Appellant(s) : 1,
None for Defendant(s) : 1,
MR NAGIN N GANDHI for Defendant(s) : 2,

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**CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**

**Date : 17/08/2006**

**ORAL JUDGMENT**

1. This appeal is at the instance of the original claimant for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Sabarkantha (Aux) dated 29th January 1987 in Motor Accident Claim Petition No.249 of 1983.

2. The case of the claimant was that while he along with his brother was walking on the road, a bus knocked them down as a result of which they sustained serious injuries. He therefore filed aforesaid claim petition claiming a sum of Rs.60000/- against which the Tribunal has awarded a sum of Rs.35095.55.

3. Learned Advocate for the appellant submitted that the Tribunal has committed an error in awarding

lesser amounts under the head of loss of income, medical treatment, pain, shock and suffering and other heads. According to him the Tribunal ought to have awarded the full amount as claimed by the appellant.

4. The Tribunal found that the disability of the appellant was 14% and looking to the period of hospitalization, awarded Rs.5000/- for pain, shock and suffering and Rs.7000/- by way of compensation for loss of enjoyment of life. Nothing is pointed out to show that the claimant is entitled to any higher amount under these heads. As per the bills produced, the Tribunal has awarded a sum of Rs.5995.55 towards medical expenses. Learned Advocate for the appellant is unable to point out that any claim is disallowed though bill has been produced. The Tribunal further found that no evidence is produced in respect of the income from the shop and that he has also not produced any evidence with regard to income from agricultural land. Therefore I am of the view that the figure taken by the Tribunal in respect of his income is just and proper and no interference is required.

In the premises aforesaid, I do not find any merits in this appeal. This appeal is, therefore, dismissed. No order as to costs.

[K.S. JHAVERI, J.]

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